

REMARKS/ARGUMENTS

The Office Action mailed April 17, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The First 35 U.S.C. § 103 Rejection

Claims 16-18, 22-24, 29-32, 37, and 40-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael S. Wiltshire et al. (USP 6,409,602 B1) among which Claims 16, 22, 29 and 37 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.) § 2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Wiltshire except that “Wiltshire does not disclose the use of a website server that is operatively coupled to a first gaming server that facilitates play of a first game and a second gaming server that facilitates the play of a second game.” The Office Action further contends that “it would have been obvious to design Wiltshire’s computer gaming system to comprise at least two server/host computers each storing and executing a different game program. One reason one would be motivated to do so is the efficiently allocate server/host memory resources. Storing and executing multiple games on each server/host computer would make game operation execution cumbersome because multiple different games would be required to be executed in memory simultaneously, whereas, storing and executing one type of game on each sever/host computer leads to more streamlined and organized design which could be easily implemented in Wilshire’s gaming system.” The Applicants respectfully disagree for the reasons, among others, set forth below.

Wiltshire does not teach or suggest all the claim limitations. As stated in previous responses, Wiltshire does not appear to teach or suggest programming a controller of a separate website server to: determine whether said game selection data representing said game selection corresponds to said first game or said second game, determine whether to select a first gaming server or a second gaming server based on said game selection received from said one remote player device, select said first gaming server for data communication between said one remote player device and said first gaming server that facilitates play of said first game if said game selection data specifies said first game, or select said second gaming server for data communication between said one remote player device and said second gaming server that facilitates play of said second game if said game selection data specifies said second game as provided for in Claim 16. Claims 22, 29 and 37 provide for similar features. The Office Action merely cites to Claim 1 of Wiltshire as teaching the claimed features. However, Claim 1 of Wiltshire does not suggest or teach a separate website server performing any type of determination. If this rejection is maintained, it is respectfully requested that the examiner specifically site where Wiltshire teaches the claimed features so that Applicant may provide a proper response.

Furthermore, although the Office Action admits that "Wiltshire does not disclose the use of a website server that is operatively coupled to a first gaming server that facilitates play of a first game and a second gaming server that facilitates the play of a second game", it does not provide a specific reference where such a limitation is found, instead arguing that one of ordinary skill in the art would have found it obvious to modify the invention in Wiltshire to arrive at the additional claim limitation. Therefore, applicant assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Applicant hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Additionally, the Office Action further cites Wiltshire as teaching "each client/terminal computer comprises a client/terminal program that allows input and output streams of the gaming program

executed on the server/host computer to be separated and redirected to the client/terminal computers" and cites Col., 8, lines 56-65 as teaching the above claimed features. The Office Action further states that it "is well known in the art that the controller of a website server will have some kind of a program that will recognize if the data corresponds to first game or second game or any other game. Otherwise, there would not be any telling where the data is coming from and what it corresponds to. Also, it is well known in the art that the controller is programmed to figure out whether to pick first gaming server or second gaming server or any other server based on the game selection received from remote player device." Applicant respectfully disagrees.

A closer reading of the citation provided in the Office Action reveals that it does not teach or suggest a website server. Rather, Wiltshire merely teaches utilizing the same computer for all server functionality. The Office Action similarly cites to the same general server/host computer in the rejection (Office Action, pages 2-3). Applicant again assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting this obviousness rejection is based on common knowledge in the art or "well-known" prior art and hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Moreover, it is respectfully asserted that the examiner's stated motivation is improper since there is no teaching, suggestion or apparent reason to combine the teachings as suggested by the examiner. There appears to be no teaching or suggestion in Wiltshire which supports the modification as suggested by the examiner. Rather, it is submitted that the Examiner's cited reasoning is derived using impermissible hindsight reconstruction. It is well established by the courts that the motivation to modify the prior art must flow from some teaching in the art that suggests the desirability or incentive to make the modification needed to arrive at the claimed invention. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d 1397, 1399 (Fed. Cir. 1989) ("[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification") (quoting *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)). MPEP Section 2143.01 also states that the prior art must suggest the desirability of the claimed invention. Although the

examiner states that Wiltshire suggests such motivation, applicant respectfully asserts that there does not appear to be any teaching or suggestion in Wiltshire for the motivation as suggested by the examiner. Accordingly, applicant respectfully requests that the examiner cite to the specific text in Wiltshire which teaches or suggests such motivation.

Since Wiltshire does not teach or suggest all the claimed limitation and there is no motivation to modify Wilshire as stated in the Office Action to result in the claimed invention, it is respectfully asserted that Wiltshire does not anticipate the claimed invention.

As to dependent claims 17-18, 23-24, 30-32, 40-41, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 1-4, 8-12, and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael S. Wiltshire et al (USP 6,409,602 B1) in view of Son Thanh Young et al. (US 5,762,552), among which claims 1, 9, and 27 are independent claims. This rejection is respectfully traversed.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Wiltshire except that Wiltshire does not teach “said controller of said website server being programmed to cause logon display data to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server.” The Office Action further contends that Vuong teaches the claimed feature and that it would be obvious at the time of the invention to modify Vuong’s logon function in Wiltshire “in order for Wiltshire’s system to access a website as shown in figure 3 and to facilitate the accounting server/host disclosed in Wilshire (Column 4, line 66-Column 5, line 13) in order to readily track a particular player’s gaming activity and financial winnings/losses.” The Applicants respectfully disagree for the reasons, among others, set forth below.

As stated above, Wiltshire does not teach all the claimed limitations. Vuong does not correct for any of these deficiencies nor does the combination teach or suggest the independent claims as recited. Upon a closer reading of the citation of Vuong, Vuong does not teach or suggest the use of a website server. Vuong merely teaches “communicating between gaming machines 14 and gaming table 12 or another gaming machine 14 which is configured to operate as the game server” which receives player identifying information in the login phase and a network manager authenticates the player and determines the specific game of chance the player wishes to play. (Col. 8, lines 53-62). Vuong does not teach the use of a website server nor does Vuong teach transmitting the logon display data “to one of said remote player devices” as claimed in Claims 1, 9, and 27. Similar to Wiltshire, Vuong appears to utilize the same computer for all server functionality and does not suggest or teach a system that divides functionality between a website server and a first and second gaming server.

Accordingly, since the combination of Wiltshire and Vuong does not teach all the claimed limitations, it can not be said to anticipate the claimed invention. As to dependent claims 2-4, 8, 10-12, and 28 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that these rejections be withdrawn.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P360).

Respectfully submitted,
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